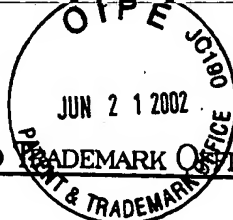




UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/078,920	02/20/2002	P. T. Barnum	MASIMO.307A

20995

KNOBBE MARTENS OLSON & BEAR LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH, CA 92660

CONFIRMATION NO. 4765

FORMALITIES LETTER



OC000000007663329

Date Mailed: 03/18/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/26/2002 EAREGAY1 00000021 10078920

01 FC:105

130.00 OP



PATENT

Case Docket No. MASIMO.307A
Date: June 18, 2002

#31

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : P.T. Barnum, et al.
App. No. : 10/078,920
Filed : February 20, 2002
For : SENSOR BAND FOR
ALIGNING AN EMITTER AND
A DETECTOR
Group Art Unit : 2877

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

June 18, 2002

(Date)

John M. Grover, Reg. No. 42,640

TRANSMITTAL LETTER

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

ATTENTION: BOX MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on March 18, 2002, enclosed are:

- (X) an executed Declaration by Inventors;
- (X) a Power of Attorney Form and Copy of Assignment;
- (X) a copy of Notice to File Missing Parts;
- (X) an Information Disclosure Statement;
- (X) a PTO Form 1449 with seven (7) references;
- (X) a check in the amount of \$240 to cover fees; and
- (X) a return prepaid postcard.

06/26/2002 EAREGAY1 00000021 10078920

02 FC:115

110.00 OP

PATENT

Case Docket No. MASIMO.307A

Date: June 18, 2002

An extension of time to respond for 1 month is hereby requested.

Time Extension Fee:

(x)	one month	(\$110 large entity)
()	two months	(\$400 large entity)
()	three months	(\$920 large entity)

Fees as calculated below:

FEE FOR EXTENSION OF TIME (LARGE ENTITY)	1 month	\$ 110
SURCHARGE 37 CFR 1.16(e)		\$ +130
TOTAL FEES SUBMITTED HEREWITH		\$ 240

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



John M. Grover

Registration No. 42,610
Attorney of Record

Application No.: 10/078,920
Filing Date: February 20, 2002

PATENT
Client Code: MASIMO.307A
Page 1

ASSIGNMENT

WHEREAS, We, P.T. Barnum, a citizen of the United States of America, residing at 28144 Branch Road, Castaic, CA 91384, and Massi E. Klani, a citizen of the United States of America, residing at 35 Brindisi, Laguna Niguel, CA 92677, have invented certain new and useful Improvements in a SENSOR BAND FOR ALIGNING AN EMITTER AND A DETECTOR for which we have filed an application for Letters Patent in the United States, U.S. Patent Application No.: 10/078,920, filed on February 20, 2002;

AND WHEREAS, MASIMO CORPORATION (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 2852 Kelvin Avenue, Irvine, CA 92614, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said Inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 28 day of MAY, 2002.



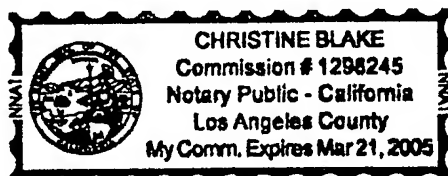
P.T. Barnum

STATE OF CA
COUNTY OF Los Angeles } ss.

On 5-28-02, before me, Christine Blake, personally appeared P.T. Barnum personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]





Notary Signature

COPY

NOT FOR
RECORDATION

Application No.: 10/078,920
Filing Date: February 20, 2002

PATENT
Client Code: MASIMO.307A
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 30th day of May, 2002.

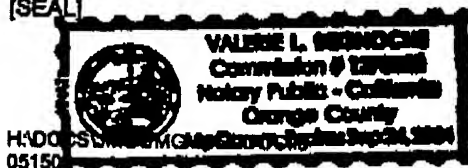
Massi E. Kiani
Massi E. Kiani

STATE OF California }
COUNTY OF Orange } ss.

On May 30, 2002, before me, Valerie L. Bagnoch, personally appeared Massi E. Kiani personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Valerie L. Bagnoch
Notary Signature

COPY

NOT FOR
RECORDATION